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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,785	09/22/2000	James Longbottom	WEAT/0042	2355
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PATTERSON & SHERIDAN, L.L.P. 3040 POST OAK BOULEVARD, SUITE 1500 HOUSTON, TX 77056			FRENEL, VANEL	
			ART UNIT	PAPER NUMBER
			3626	
DATE MAILED: 08/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/668,785	<b>Applicant(s)</b> LONGBOTTOM ET AL.	
	<b>Examiner</b> Vanel Frenel	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18,20-45,49-53,55 and 69-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18,20-45,49-53,55 and 69-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/10/06 has been entered.

### **Notice to Applicant**

2. This communication is in response to the RCE filed on 5/10/06. Claims 1, 10, 13-15, 20-25, 27, 29-42, 49-50 have been amended. Claims 19, 46-48, 54, 56-68 have been canceled. Claims 69-77 have been newly added. Claims 1-18, 20-45, 49-53, 55 and 69-77 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18, 20-45, 49-53, 55 and 69-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman (5,504,491), Tubel et al (5,730,219), Yamazaki et al (6,867,752) in view of Alft et al (2004/0190374).

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(A) As per claim 1, Chapman discloses a method of communicating between a drilling rig and at least one off-site location (Col.4, lines 33-67), the method comprising: providing a portable data communications module to a person at the drilling rig (See Tubel, Col.5, lines 4-67 to Col.6, line 42; Col.9, lines 29-67 to Col.10, line 67).

Chapman, Tubel and Yamazaki do not explicitly disclose that the method having establishing an at least two-way data communication connection between the portable data communications module and the at least one on-site location via the Internet; and remotely monitoring drilling activities at the drilling rig via the portable communications module and the at least two-way data communication connection.

However, these features are known in the art, as evidenced by Alft. In particular, Alft suggests that the method having establishing an at least two-way data communication connection between the portable data communications module and the at least one on-site location via the Internet (See Alft, Page 14, Paragraph 0130); and remotely monitoring drilling activities at the drilling rig via the portable communications module and the at least two-way data communication connection (See Alft, Page 14, Paragraph 0130).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Alft within the combined teachings of Tubel, Chapman and Alft with the motivation of providing an earth penetrating apparatus for use with a boring machine, such as a horizontal directional drilling machine (See Alft, Page 2, Paragraph 0011).

(B) As per claim 2, Tubel discloses the method further comprising remotely directing activities at the on-site location (Col.5, lines 63-67 to Col.6, line 42).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(C) As per claim 3, Tubel discloses the method further comprising determining positional information of at least one person or object from the on-site location and monitoring the positional information from the off site location (Col.8, lines 4-67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(D) As per claim 4, Tubel discloses the method wherein the activities include the sensing of conditions within a wellbore (Col.9, lines 45-67 to Col.10, line 67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(E) As per claim 5, Tubel discloses the method wherein the activities include activities recordable and usable to form a basis for billing (Col.19, lines 1-67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(F) As per claim 6, Tubel discloses the method, wherein the activities include technical activities from the list of equipment operation, diagnostics, or identification (Col.19, lines 1-67; Col.21, lines 41-67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(G) As per claim 7, Tubel discloses the method, wherein monitoring relates to fishing activities (The Examiner interprets water 16 to the surface of the ocean floor 18 and then downwardly into formations under the ocean floor as a form of fishing activities Col.8, lines 64-67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(H) As per claim 8, Tubel discloses the method, wherein fishing activities relate to data transmitted to the off-site location from at least one sensor located in a wellbore (Col.8, lines 3-55).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(I) As per claim 9, Tubel discloses the method, wherein the sensor in the wellbore gathers information related to the condition of a string of tubulars in the wellbore (Col.18, lines 20-67).

The motivation for combining the respective teachings of Chapman, Tubel Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(J) As per claim 10, Alft discloses the method, wherein the method further comprises providing an on-site computer, wherein the at least two-way data communication connection is established through the on-site computer (See Alft, Page 14, Paragraph 0130).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(K) As per claim 11, Chapman discloses the method, wherein the positional information is determined by GPS equipment (Col. 4, lines 38-48).

(L) As per claim 12, Chapman discloses the method, wherein the GPS signal is compared to a database to automatically identify the source of the data transmission (Col.4, lines 49-67 to Col.5, line 43).

(M) As per claim 13, Tubel discloses the method, wherein said portable communications module automatically utilizes the communication connection to transmit data including status, usage, and location to a rental center according to a predetermined schedule (Col.20, lines 13-67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(N) As per claim 14, Tubel discloses the method, wherein the portable communications module is configured to be worn by, or attached to, a person at the on-site location (Col.9, lines 58-67 to Col.10, line 67).

The motivation for combining the respective teachings of Chapman and Tubel , Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(O) As per claim 15, Tubel discloses the method, wherein the portable communications module is configured to be detachably attached to a hardhat that is worn by an on-site person (Col.23, lines 46-67 to Col.24, lines 67).



The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(P) As per claim 16, Yamazaki discloses the method wherein activities include the measurement of pieces of tubulars to determine their length utilizing the communications attachment (Col.3, lines 65-67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(Q) As per claim 17, Tubel discloses the method wherein activities further include the automatic recordal of the length of pieces of tubular prior to insertion of the pieces of tubular into a wellbore (Col.18, lines 20-67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(R) As per claim 18, Yamazaki discloses the method wherein activities relate to the measurement of torque developed between adjacent pieces of tubular being assembled together utilizing the communications attachment (See Yamazaki, Col.3, lines 65-67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(T) As per claim 20, Yamazaki discloses the method, wherein the portable communications module is provided on a hardhat and wherein a log-on data facilitates an automatic recordal for billing of the time that the hardhat is used (Col.2, lines 4-7).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(U) As per claim 21, Tubel discloses the method, wherein the on-site person can manually position the communications module (Col.16, lines 5-67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 1, and incorporated herein.

(V) As per claim 22, Yamazaki discloses the method of claim 1, wherein the communications module comprises an external camera (See Yamazaki, Col.9, lines 55-58).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 1, and incorporated herein.

(W) As per claim 23, Tubel discloses the method wherein the communications module comprises a hard hat and a global positioning component physically connected to the hard hat (Col.24, lines 1-67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 1, and incorporated herein.

(X) As per claim 24, Tubel discloses the method, wherein the communications module comprises a hard hat having a "flip down" screen for visual display of data (Col.15, lines 14-67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 1, and incorporated herein.

(Y) As per claim 25, Tubel discloses the method, wherein the communications module comprises a hard hat and an on-site computer and wherein data transmitted between the hard-hat and the on-site computer (Col.14, lines 34-67 to Col.15, line 67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(Z) As per claim 26, Tubel discloses the method, wherein the on-site computer can be interrogated by off-site personnel authorized to review data related to current and past operations (Col.16, lines 59-67 to Col.17, line 67).

(AA) As per claim 27, Tubel discloses an apparatus comprising: disclose the portable communications attachment comprising a transceiver (See Tubel, Col.10, lines 10-22), a video display (See Tubel, Col.15, lines 14-20); and external camera (See Tubel, Col.15, lines 14-20).

Tubel, Chapman do not explicitly disclose that the apparatus having a hard hat; a portable communications attachment attached to the hardhat.

However, this feature is known in the art, as evidenced by Yamazaki. In particular, Yamazaki teaches a hard hat; a portable communications attachment attached to the hardhat (See Yamazaki, Col.3, lines 65-67 to Col.4, line 7; Col.9, lines 9-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Yamazaki within the combined teachings of Tubel and Chapman with the motivation of providing an image displayed on a displayed portion of a portable information terminal is displayed on an HMD (head mount display) worn by a user on his/her head. Information is sent and received between the portable information terminal and the HMD using wireless information transmitting/receiving means such as infrared-ray data communication or data communication by radio wave (See Yamazaki, Col.2, lines 4-11).

(BB) As per claim 28, Tubel discloses the apparatus, wherein the communications attachment further comprises a parameter measuring device (Col.18, lines 8-67; Col.21, lines 1-67 to Col.22, line 67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 1, and incorporated herein.

(CC) As per claim 29, Tubel discloses the apparatus, wherein the communication system further comprises an on site computer that generates data or information to the off-site service computer (Col.17, lines 45-67 to Col.18, line 67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 1, and incorporated herein.

(DD) As per claim 30, Yamazaki discloses the apparatus, further comprising a service computer located distally from the hard hat; and a communication system between the communications attachment and the off-site service computer (See Col.3, lines 65-67 to Col.4, line 7; Col.9, lines 9-28).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 27, and incorporated herein.

(EE) As per claim 31, Tubel discloses the apparatus, wherein the communication system is capable of video transmission, audio transmission, still image transmission, and data transmission (Col.15, lines 1-67).

The motivation for combining the respective teachings of Chapman and Tubel are as discussed above in the rejection of claim 1, and incorporated herein.

(FF) As per claim 32, Alft discloses the apparatus, wherein the communications attachment further comprises a keypad (See Alft, Page 14, Paragraph 0128).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(GG) As per claim 33, Yamazaki discloses the apparatus, wherein communications attachment further comprises a microphone and a speaker (See Yamazaki Col.9, lines 13-21).

The motivation for combining the respective teachings of Chapman, Tubel and Yamzaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(HH) As per claim 34, Alft discloses the apparatus, wherein communications attachment further comprises barcode reader (See Alft, Page 4, Paragraph 0049).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(II) As per claim 35, Alft discloses the apparatus wherein communications attachment further comprises GPS system (See Alft, Page 7, Paragraph 0076).

The motivation for combining the respective teachings of Chapman and Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(JJ) As per claim 36, Tubel discloses the apparatus, further comprising a database for storing information, wherein the information may be collected real time at point of service delivery and stored in the database (Col.14, lines 22-67 to Col.15, line 67; Col.17, lines 45-67 to Col.18, line 19).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(KK) As per claim 37, Tubel discloses the apparatus, wherein the communication system comprises the Internet (Col.14, lines 34-67 to Col.15, line 67).

The motivation for combining the respective teachings of Chapman, Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

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(LL) As per claim 38, Tubel discloses the apparatus, wherein the communication system comprises a local link connecting the communications attachment to the remainder of the communication system (Col.13, lines 1-67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 1, and incorporated herein.

(MM) As per claim 39, Tubel discloses the apparatus, wherein the communication system comprises a satellite based portion (Col.13, lines 1-67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 1, and incorporated herein.

(NN) As per claim 40, Tubel discloses the apparatus, wherein the communication system comprises a land-based portion (Col.9, lines 1-57).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 1, and incorporated herein.

(OO) As per claim 41, Tubel discloses the apparatus, further comprising a data acquisition and control unit to input information sensed from a process (Col.14, lines 32-67). The motivation for combining the respective teachings of Chapman and Tubel are as discussed above in the rejection of claim 1, and incorporated herein. to Col.15, line 43).



(PP) Claim 42 differs from claims 1 and 27 by reciting a method of accessing and utilizing off-site service person from an on-site location, comprising:

As per this limitation, it is noted that Chapman discloses providing a communications module having a display portion to an on-site person (Col.4, lines 49-67 to Col.5, line 67); establishing communications between the on-site person and off-site service person (Col.4, lines 49-67 to Col.5, line 67) communicating procedures from the off-site service person to the on-site person (See Tubel, Col.5, lines 4-67 to Col.6, line 42; Col.9, lines 29-67 to Col.10, line 67) and communicating information in response to the one or more procedures from the on-site person to the off-site service person (See Tubel, Col.5, lines 4-67 to Col.6, line 42; Col.9, lines 29-67 to Col.10, line 67) and Yamazaki discloses wherein at least one of the one or more procedures is displayed by the communications module (See Col.3, lines 65-67 to Col.4, line 26).

Thus, it is readily apparent that these prior art systems utilize a method of accessing and utilizing an off-site service person from an on-site location to perform their specified function.

The remainder of claim 42 is rejected for the same reason given above for claims 1 and 27, and incorporated herein.

(QQ) As per claim 43, Tubel discloses the method, further comprising tracking on line time that the on-site personnel spends communicating with the off-site service personnel (Col.16, lines 5-67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(RR) As per claim 44, Tubel discloses the method further comprising storing the communicated information in a database (Col.14, lines 46-67 to Col.15, line 67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 42, and incorporated herein.

(SS) As per claim 45, Alft discloses the method further comprising remotely directing activity at the on-site location by the service person (See Alft, Page 14, Paragraph 0130).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(WW) As per claim 49, Alft discloses the system wherein at least a portion of the communications are established via the Internet (See Alft, Page 14, Paragraph 0130).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

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(XX) As per claim 50 Alft discloses the method of claim 1, further comprising:  
communicating information relating to the drilling activities from the well-site to a service person located off-site in response to instructions received from the off-site service person (See Alft, Page 14, Paragraph 0130).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(YY) As per claim 51, Tubel discloses the method, further comprising the off-site service person directing the on site activity off-site (Col.13, lines 1-67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki are as discussed above in the rejection of claim 50, and incorporated herein.

(ZZ) As per claim 52, Tubel discloses the method, wherein the communicating information is produced in response to the off-site service person directing the on-site activity (Col.13, lines 1-67 to Col.14, line 67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 50, and incorporated herein.

(AAA) As per claim 53, Tubel discloses the method wherein the monitoring comprises fishing (The Examiner interprets water 16 to the surface of the ocean floor 18 and then

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downwardly into formations under the ocean floor as a form of fishing Col.8, lines 64-67).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 50, and incorporated herein.

(CCC) As per claim 55, Alft discloses the method further comprising recording usage data regarding the communication device (See Alft, Page 4, Paragraph 0049).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(DDD) As per claim 69, Alft discloses the method further comprising determining whether there is a request to establish a connection with an off-site service person located at a specific off-site computer (See Alft, Page 14, Paragraph 0130).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(EEE) As per claim 70, Alft discloses the method further comprising determining a specific off-site service computer communications to establish the connection with (See Alft, Page 14, Paragraphs 0125-0127).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(FFF) As per claim 71, Alft discloses the method further comprising receiving positional information of the communications module (See Alft, Page 7, Paragraph 0076).

The motivation for combining the respective teachings of Chapman and Tubel, Yamazaki and Alft are as discussed above in the rejection of claim 1, and incorporated herein.

(GGG) As per claim 72, Alft discloses the method wherein remotely monitoring drilling activities comprises transferring instruction for the communications module to the off-site location (See Alft, Page 14, Paragraph 0130).

(HHH) As per claim 73, Alft discloses the method wherein remotely monitoring drilling activities further comprises transferring instruction information from the off-site location to the communication module (See Alft, Page 14, Paragraphs 0125-0127).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(III) As per claim 74, Alft discloses the method wherein remotely monitoring drilling activities further comprises following an operation, by the person at the drilling rig, indicated by the instruction information to obtain result information (See Alft, Page 14, Paragraph 0130).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(JJJ) As per claim 75, Alft discloses the method wherein remotely monitoring drilling activities further comprises transferring the result information from the communications module to the off-site location (See Alft, Page 14, Paragraph 0130).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(KKK) As per claim 76, Alft discloses the method wherein remotely monitoring drilling activities further comprises analyzing the result information at the off-site location to make a determination (See Alft, Page 14, Paragraph 0130).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

(LLL) As per claim 77, Alft discloses the method wherein remotely monitoring drilling activities further comprises transferring the documentation from the off-site location to the communications module (See Alft, Page 14, Paragraph 0130).

The motivation for combining the respective teachings of Chapman, Tubel and Yamazaki and Alft are as discussed above in the rejection of claim 42, and incorporated herein.

### Response to Arguments

5. Applicant's arguments filed 5/10/06 with respect to claims 1-18, 20-45, 49-53, 55 and 69-77 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 5/10/06.

(A) At pages 2-4 of the 5/10/06 response, Applicant argues that the newly added features in the 5/10/06 amendment are not taught or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 5/10/06 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Tubel, Chapman, Yamazaki and Alft based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action, and incorporated herein. One

cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches remote well head controller with secure communications port (5, 132,904).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30 am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F  
V.F

June 21, 2006

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER